

REMARKS:

This paper is herewith filed in response to the Examiner's Office Action mailed on July 23, 2007 for the above-captioned U.S. Patent Application. This office action is a rejection of claims 1-40 of the application.

More specifically, the Examiner has rejected claims 1-4, 6-7, 9-10, 12-16, 18-19, 21-22 and 25-31 are rejected under 35 USC 103(a) as obvious over Phillips (US6,192,041) in view of Wang (US6,230,024); claims 5, 8, 17 and 20 are rejected under 35 USC 103(a) as obvious over Phillips in view of Wang and Saha (US2003/0212822); claims 11-12, and 23-24 are rejected under 35 USC 103(a) as obvious over Phillips in view of Wang and Brandenberger (US6,570,782); and claims 32-40 are rejected under 35 USC 103(a) as obvious over Phillips in view of Wang and Cui (US2004/0204069). The Applicants respectfully disagree with the rejections.

In the rejection the Examiner cites Phillips in view of Wang against claim 1. The Applicants respectfully disagree with the rejection.

Claim 1 recites:

A method to provide an Internet Protocol (IP) connection between a mobile station (MS) and a computing device (CD), comprising: initiating the set up of the IP connection that terminates at the MS with a command sent from the CD to the MS over a local interface; and in response to receiving over the local interface an IP message at the MS from the CD, routing the received IP message to an application that is resident in the MS, wherein the IP connection between the MS and the CD is regardless of any connection between the MS and a cellular network.

Firstly, the Applicants note that as illustrated in Fig. 2 and described in the written description at least on page 5, line 29 to page 6, line 13, claim 1 relates to an exemplary embodiment of the invention wherein an IP connection is initiated between a CD 12 and an MS 10 via a local interface 13. The established connection is terminated on the MS 10 and an IP address is assigned

to the CD 12 and some other IP address is assigned to the MS. The MS 10 also configures its resident IP protocol stack to route incoming IP packets to the local application(s).

Phillips describes in detail both his purported invention and the prior art. The stated purpose of Phillips is to enable packet data transmission from a laptop 10 to the internet 22 via the cell phone 30 and base station system 36, without the user having to manually enter an AT+CRM=1 command that would otherwise switch modes of the cell phone 30. (col. 1 lines 30-37; col. 2 line 61 to col. 3 line 2). Phillips does this by using "reserved" phone numbers and a CONNECT signal stored in the cellular phone memory (col. 4 lines 40-48).

Wang discloses that an ongoing voice call can be converted to a digital fax call without having to relinquish the voice-call line and re-establish another line for transmitting the digital fax. The disclosure of Wang cited against claim 1 teaches that the MS 104 generates a RING signal and sends it to a personal computer 102 in the middle of a voice call to indicate that a transition from the voice call to a digital fax is occurring, to prepare the computer to receive the digital fax. The computer 102 then issues a standard AT+CRM=0 command to the MS 104. (Wang at col. 4 lines 36-53).

The Applicants respectfully assert that the references cited do not disclose or suggest at least the inventive steps of the invention as described above and as recited in claim 1.

In the rejection of claim 1 the Examiner states:

"As per claim 1, Phillips teaches a method to provide an Internet Protocol (IP) connection between a mobile station (MS) (Fig. 2 element 30, 36) and a computing device (CD) (Fig. 1 element 10), comprising: initiating the setup of the IP connection with a command sent from the CD to the MS over a local interface (column 1 lines 18-36)(column 3 lines 49-64);

The reference teaches setting up the connection to send out data packets by sending command AT+CRM=1 from the user computer to the cell phone."

As cited Phillips discloses:

“A computer user may employ any of various popular serial networking application software packages to make such a connection, and **to send out PPP (Point-to-Point Protocol) data packets to an attached device such as a modem.** (The modem may also be integral to the computer). Many such popular serial networking applications will not transmit their PPP data packets until they have received a signal (called the "CONNECT" signal) indicating that the **attached device has dialed a requested telephone number and completed the customary "handshake" protocol with the corresponding remote modem** (i.e. the remote modem of an internet service provider),” (emphasis added), (col. 1, lines 18-29); and

“FIG. 3 shows a communication system including a computer connected to the internet via a cellular telephone capable of CDMA packet data service. For this system to work, the networking application software must send PPP packets to the cellular phone. [...] A CDMA telephone wishing to use the packet data service would not use a modem and hence no such notification signal would be received. However, **current CDMA phone standards allow the user to initiate PPP data packet transmission by setting the command AT+CRM=1.** But for many users, this is not a simple nor convenient task,” (emphasis added), (col. 3, lines 49-64).

The Applicants contends that that Phillips does not disclose or suggest “**initiating the set-up of the IP connection that terminates at the MS** with a command sent from the CD to the MS over a local interface,” as in claim 1. Moreover, the Applicants note that Phillips fails to disclose any reference to an “IP connection” or that the connection “terminates at the MS” as in claim 1. The Applicants contend that Phillips is merely stating that “**current CDMA phone standards allow the user to initiate PPP data packet transmission by setting the command AT+CRM=1.**”

Further, the Applicants respectfully direct the Examiner to col. 3, lines 14-16 where Phillips discloses sending PPP packets between a laptop and a cellular phone over hardwire direct connection 28 where the cellular phone is capable of CDMA asynchronous data service.

The Applicants contend that for at least these reasons Phillips can not be seen to disclose or suggest at least “**initiating the set up of the IP connection that terminates at the MS** with a command sent from the CD to the MS over a local interface,” as in claim 1.

Further in the rejection of claim 1 the Examiner cites Phillips and states:

“in response to receiving over the local interface an IP message at the MS from the CD, routing the received IP message to an application that is resident in the MS (column 2 lines 52-67)(column 3 lines 49-67)(column 4 lines 1-8),” (emphasis added).

Phillips as cited discloses:

“The computer user provides the networking application software with the telephone number that is to be dialed in order to access the desired internet service provider. The user commands the networking application software 24 to access the internet. The software 24 then passes the phone number of the internet service provider's modem 16 to the modem 26 associated with the computer 10,” (emphasis added), (col. 2, lines 54-61); and

“The phone number to be requested by the networking application software is also readily specified by the user through the user interface, and different phone numbers may be specified for each hosted networking application software package,” (emphasis added), (col. 3, line 64 to col. 4, line 8); and

“CONNECT signal, thereby inducing the networking application software to send the PPP data packets,” (emphasis added), (col. 4, lines 1-2).

The Applicants note that here Phillips merely discloses a “phone number” is requested by and provided to the “networking application software.” Also as cited Phillips discloses that a “CONNECT signal” **is sent** to induce a networking application to send “PPP data packets.” The Applicants contend that Phillips is not seen to disclose or suggest receiving an **“IP message at the MS from the CD.”** The Applicants respectfully submit that Phillips does not disclose or suggest “in response to **receiving over the local interface an IP message at the MS from the CD.**” Further, the Applicants argue that Phillips merely discloses that the “phone number” is **passed to** the “networking application software.” Further as cited Phillips discloses that the “networking application software” is induced to send **“PPP data packets.”** However, the Applicants contend Phillips is not seen to disclose or suggest **“routing the received IP message to an application that is resident in the MS.”** For at least the reasons stated the Applicants contend that Phillips clearly does not disclose or suggest **“in response to receiving over the**

local interface an IP message at the MS from the CD, **routing** the received IP message to an application **that is resident in the MS,**" as in claim 1.

Further, in the rejection of claim 1 the Examiner states:

"Phillips is silent in teaching terminating an IP connection on the MS. Wang teaches terminating an IP connection on the MS (column 4 lines 36-53). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Wang's teach in Phillip's teaching to come up with terminating an IP connection on the MS. The motivation for doing so would be to end connection so that a transition from voice to digital fax could start therefore being prepared to receive a digital fax (**column 3 lines 36-53**)," (emphasis added).

The Applicants note that contrary to this statement (above) both references appear to be cited in the rejection as disclosing at least an IP connection between the MS and the CD. The Applicants respectfully request a clarification in a non-final Office Action or removal of the rejections.

In addition, the Applicants contend that neither **column 3, lines 36-53 nor column 4, lines 36-53 in Wang** disclose or suggest **an IP connection between the MS and the CD** and similarly neither citation discloses or suggests that **the IP connection exists between the MS and the CD regardless** of a connection between the MS and the cellular network as in claim 1.

The Applicants note that in more relevant part Wang discloses:

"Concurrently with or after receiving signals 218 and 222, mobile station 104 and base station 114 takes steps to initialize the fax call as shown generally in signal 226. As may be seen, the block diagram shown as signal 226 includes a caption SYNCH TCP/IP-PPP-RLP. The signals in this block represent initialization signals for setting up a digital fax call as specified in standard IS-707. More specifically, the radio link protocol (RLP) is first established on the traffic channel after which the Point-to-Point Protocol (PPP) and the internet Protocol (IP) layers are initialized between the mobile station and the base station 114 (or IWF). A data channel for bearer traffic (digital fax signals) is established after this initialization," (emphasis added), (col. 4, lines 53-65).

The Applicants note that Wang discloses “**the Point-to-Point Protocol (PPP) and the internet Protocol (IP) layers are initialized between the mobile station and the base station 114,**” The Applicants submit that this statement merely indicates that both PPP and IP layers may be initialized at some different points along the path **between the mobile station and the Base station**. Further, Wang discloses “a caption **SYNCH TCP/IP-PPP-RLP.**” The Applicants note that Wang explains that “**The signals in this block represent initialization signals for setting up a digital fax call as specified in standard IS-707.**” The Applicants note that here Wang discloses “initialization signals.” However, Wang clearly can not be seen to disclose or suggest an “**an IP connection between the MS and the CD,**” as in claim 1.

Moreover, the Applicants direct the Examiner to at least Figures 2, 3, and 4 of Wang where it can be clearly seen that the **communication signals between the PC 102 and MS 104 simply do not include Internet Protocol layers or an IP connection.**

The Applicants contend that neither Phillips nor Wang as cited disclose an IP connection between the MS and the CD as in claim 1.

In addition, the Applicants contend that for at least the reasons already stated neither Phillips nor Wang can be seen to disclose or suggest **an IP connection between the MS and the CD, regardless of a connection between the MS and a cellular network** as in claim 1.

The Applicants contend that for at least the reasons stated the references cited can not be seen to disclose or suggest claim 1 and the rejection of claim 1 should be removed.

Further, the Applicants contend that for at least these reasons the references cited are not seen to disclose or suggest where claim 13 recites in part “wherein **the IP connection between the MS and the CD is regardless of any connection between the MS and a cellular network.**”

In addition, for at least the reasons stated the references cited are not seen to disclose or suggest where claim 25 recites in part “wherein **the IP connection is set up between the MS and the**

CD is regardless of any connection between the MS and a cellular network.”

Regarding the rejections of claims 5, 8, 17 and 20 under 35 USC 103(a) over Phillips in view of Wang and Saha the Applicants disagree with the rejections.

Although the Applicants do not acquiesce that a combination of the references is feasible the Applicants contend that the combination is not seen to address a shortfall of Phillips and Wang as stated above.

Thus, the Applicants contend that for at least the reasons already stated the references cited can not be seen to disclose or suggest where claim 5 recites in part “establishing the **IP connection** over the local interface.”

Further for at least the reasons already stated the references cited can not be seen to disclose or suggest where claim 8 recites in part “establishing the **IP connection** over the local interface.”

In addition, for at least these reasons the references can not be seen to disclose or suggest where claim 17 recites in part “to establish the **IP connection** over the local interface.”

Moreover, for at least these reasons the Applicants contend that the references cited can not be seen to disclose where claim 20 recites in part “to establish the **IP connection** over the local interface.”

Further, regarding the rejection of claim 32 under 35 USC 103(a) over Phillips in view of Wang and Cui the Applicant disagrees with the rejection.

The Applicants contend that for at least the reasons already stated the combination would still not disclose or suggest at least where claim 32 recites in part “where **the IP connection is used by the MS to execute a peer-to-peer application with the CD.**” Thus, the rejection of claim 32 should be removed.

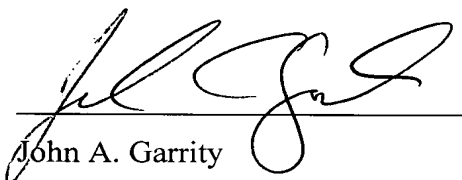
S.N.: 10/761,849
Art Unit: 2151

In addition, for at least the reason that the claims 2-12, 14-24, and 26-40 depend from claims 1, 13, and 25, respectively, the references cited are not seen to disclose or suggest all claims 1-40. Thus, for at least the reasons stated the rejection of all claims 1-40 should be removed.

Based on the above explanations and arguments, it is clear that the references cited cannot be seen to disclose or suggest claims 1-40. The Examiner is respectfully requested to reconsider and remove the rejections of claims 1-40 and to allow all of the pending claims 1-40 as now presented for examination.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record. Should any unresolved issue remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

Respectfully submitted:



John A. Garrity

10/16/2007
Date

Reg. No.: 60,470

Customer No.: 29683

HARRINGTON & SMITH, PC

4 Research Drive

Shelton, CT 06484-6212

Telephone: (203)925-9400

Facsimile: (203)944-0245

email: jgarrity@hspatent.com



S.N.: 10/761,849
Art Unit: 2151

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. BOX 1450, Alexandria, VA 22313-1450.

10-16-07

Date

Ann Akren Towich

Name of Person Making Deposit